

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, APRIL 25, 2005 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Paul Luellig, Chairman, City of Barstow
Barbara Riordan, Public Member
Bob Sagona, Town of Apple Valley
Roy Wilson, County of Riverside
D.L. Hansberger, San Bernardino County
Robert Leone, Vice-Chair, Town of Yucca Valley
Rebecca Valentine, Alternate, City of Needles
Mike Rothschild, City of Victorville (absent for Items #14-19 and 21-22)

Board Members Absent:

Jim Nehmens, City of Adelanto
Robert Crain, City of Blythe
Paul Biane, San Bernardino County
Bill Postmus, San Bernardino County
Tad Honeycutt, City of Hesperia
Elaine Bernal, City of Twentynine Palms

CALL TO ORDER

Chairman Luellig called the meeting to order at 10:10 a.m.

Agenda Item 1 – Pledge of Allegiance.

Chairman Luellig led the Pledge of Allegiance.

Agenda Item 2 - Items with potential Conflict of Interests:

None.

CLOSED SESSION

Agenda Item 3 – CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation (Significant exposure to litigation pursuant to Government Code Section 54956.9(b)) (1 potential case)

Upon Motion by Bob Sagona, Seconded by Robert Leone, and carried by unanimous roll call vote, the Board adjourned to closed session at 10:04 a.m.

OPEN SESSION – Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 10:20 a.m., and Chairman Paul Luellig stated for the record that the Governing Board had met in Closed Session on Item #3 and there was no reportable action, only guidance issued to legal counsel.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, Upon Motion by **BARBARA RIORDAN**, Seconded by **MIKE ROTHCHILD**, and carried by roll call vote, with the abstention on Items #4 and #9 by Member **WILSON**, as follows:

Agenda Item 4- Approve Minutes from Regular Governing Board Meeting of January 24, 2005.
Approved Minutes from Regular Governing Board Meeting of January 24, 2005.

Agenda Item 5 – Finance Report.

Received and filed Finance Report for the period covering July, 2004 through February 28, 2005 as provided for information as to the District's financial performance relative to the budget for the current fiscal year.

Agenda Item 6 – Award the engagement of audit services from Burkey, Cox and Evans Accountancy Corporation for a period of up to three fiscal years; authorize the APCO to execute the agreement.
Awarded the engagement of audit services from Burkey, Cox and Evans Accountancy Corporation for a period of up to three fiscal years; **authorized** the APCO to execute the agreement.

Agenda Item 7 – Amend the MDAQMD Fiscal Year 2004-05 Budget to increase Local Grant Revenue in the amount of \$267,735.50 and increase Fixed Assets-Capital Improvements-Structure in the amount of \$267,735.50 to reflect the receipt of the value of the rebate granted by Southern California Edison and the related expenditures to install the net-metering photovoltaic power system.
Amended the MDAQMD Fiscal Year 2004-05 Budget to increase Local Grant Revenue in the amount of \$267,735.50 and increase Fixed Assets-Capital Improvements-Structure in the amount of \$267,735.50 to reflect the receipt of the value of the rebate granted by Southern California Edison and the related expenditures to install the net-metering photovoltaic power system.

Agenda Item 8 - Grant Projects Update.

Received and filed Grant Projects Update.

Agenda Item 9 – 1. Award \$40,218 in Carl Moyer Program to Waste Management towards the purchase of two new CNG fueled waste haulers with new, lower-emission engines, and 2. Authorize the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Waste Management.

1. **Awarded** \$40,218 in Carl Moyer Program to Waste Management towards the purchase of two new CNG fueled waste haulers with new, lower-emission engines, and 2. **Authorized** the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Waste Management.

Agenda Item 10 – 1. Award \$148,531 in Carl Moyer Program funding to Specialty Minerals Inc., to repower one diesel fueled haul truck with a new, lower-emission engine, and 2. Authorize the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Specialty Minerals, Inc.

1. **Awarded** \$148,531 in Carl Moyer Program funding to Specialty Minerals Inc., to repower one diesel fueled haul truck with a new, lower-emission engine, and 2. **Authorized** the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Specialty Minerals, Inc.

Agenda Item 11 - 1. Award \$822,600 in Carl Moyer Program funding to Road Builders Inc., to repower towards the repower of six heavy duty, twin engine off road scrapers with new, lower-emission diesel engines, and 2. Authorize the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Road Builders, Inc.

1. **Awarded** \$822,600 in Carl Moyer Program funding to Road Builders Inc., to repower towards the repower of six heavy duty, twin engine off road scrapers with new, lower-emission diesel engines, and 2. **Authorized** the APCO to negotiate target time frames and technical project details and execute an agreement, approved as to legal form, with Road Builders, Inc.

ITEMS FOR DISCUSSION

Agenda Item 12 - DEFERRED ITEMS.

None.

Agenda Item 13 - PUBLIC COMMENT.

None.

Agenda Item 14 – Adopt Resolution proclaiming May, 2005 as Clean Air Month in the Mojave Desert.

Upon Motion by **ROY WILSON**, Seconded by **BOB SAGONA**, and carried by unanimous roll call vote, the Board adopted Resolution #05-01, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT PROCLAIMING THE MONTH OF MAY, 2005 AS CLEAN AIR MONTH WITHIN THE DISTRICT’S BOUNDARIES”.

Agenda Item 15 – 1. Conduct a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit; 2. Make a determination that the CEQA Categorical Exemption applies; 3. Adopt a resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 219 and directing staff actions.

Eldon Heaston presented background information and staff recommendation. Chair Luellig opened the public hearing and solicited public comment. Being none, Chair Luellig closed the public hearing and solicited discussion from Board Members. Upon Motion by **BARBARA RIORDAN**, Seconded by **REBECCA VALENTINE**, and carried by unanimous roll call vote, the Board adopted Resolution #05-02, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 219 – EQUIPMENT NOT REQUIRING A PERMIT AND

DIRECTING STAFF ACTIONS”.

Agenda Item 16 –1. Approve the selection of proposals recommended by the Mobile Source Emissions Reduction Committee which represent projects that will reduce emissions from mobile sources within the MDAQMD; and 2. Award funds as recommended; and 3. Authorize the APCO to negotiate time frames and technical project details and execute an agreement, approved as to legal form, with each proponent.

Jean Bracy provided background information and staff recommendation. Upon Motion by **ROBERT LEONE**, Seconded by **BOB SAGONA**, and carried by unanimous roll call vote, the Board approved the selection of proposals recommended by the Mobile Source Emissions Reduction Committee which represent projects that will reduce emissions from mobile sources within the MDAQMD; and 2. Awarded funds as recommended; and 3. Authorized the APCO to negotiate time frames and technical project details and execute an agreement, approved as to legal form, with each proponent.

Agenda Item 17 – Designate to Victor Valley Transit Authority (VVTA) \$1000,000.00 from future revenue derived from AB 2766 and allocated to the Mobile Emissions Reduction Grant Program, for continuing support of the Victor Valley Commuter Service.

Jean Bracy provided background information and staff recommendation and answered questions from the Governing Board. Upon Motion by **PAUL LUELLIG**, Seconded by **BARBARA RIORDAN**, and carried by unanimous roll call vote, the Board amended staff recommendation to designate to Victor Valley Transit Authority (VVTA) \$1000,000.00 from future revenue derived from AB 2766 and allocated to the Mobile Emissions Reduction Grant Program, for continuing support of the Victor Valley Commuter Service, with the condition that South Coast matches funds up to \$100,000.00.

Agenda Item 18 – Amend the FY 05 Budget to increase revenue (Fines & Penalties) in the amount of \$30,000; and increase Fixed Assets, Capital Projects – Video Teleconferencing in the amount of \$30,000.00 to purchase and install video teleconferencing equipment at the City of Blythe.

Jean Bracy presented staff recommendation and responded to comments from Board Member Hansberger regarding the high cost associated with the equipment. Upon Motion by **BARBARA RIORDAN**, Seconded by **ROBERT LEONE**, and carried by unanimous roll call vote, the Board amended the FY 05 Budget to increase revenue (Fines & Penalties) in the amount of \$30,000; and increase Fixed Assets, Capital Projects – Video Teleconferencing in the amount of \$30,000.00 to purchase and install video teleconferencing equipment at the City of Blythe.

Agenda Item 19 – Adopt a Resolution offering an early retirement incentive, known as a “golden handshake”, to eligible employees in certain classifications, by purchasing up to two years of additional service credit with the San Bernardino County Board of Retirement.

Jean Bracy provided background information and staff recommendation. Upon Motion by **BOB SAGONA**, Seconded by **BARBARA RIORDAN**, and carried by unanimous roll call vote, the Board adopted Resolution #05-03, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT AUTHORIZING TWO YEARS ADDITIONAL SERVICE CREDIT TO ELIGIBLE MEMBERS UPON RETIREMENT ON OR BETWEEN MAY 2, 2005 AND OCTOBER 28, 2005”.

(Clerks's note: Item #20 was heard immediately following Item #13 at the request of Member Rothschild)

Agenda Item 20 – Adopt a Resolution to support SB 475 (Runner) relating to transfer of emission reduction credits to downwind districts.

The clerk provided a handout to the Governing Board. Charles L. Fryxell presented background information and staff recommendation and answered questions from Board Members. Board Member Mike Rothschild provided additional comments and information for clarification. Following discussion, Upon Motion by **MIKE ROTHSCILD**, Seconded by **ROBERT LEONE**, and carried by roll call vote, with one abstention by **ROY WILSON**, the Board supported the concept of amending current law as presented in SB 475 (Runner) provided that the sunset clause is deleted and provided guidance to staff based on comments from the Board during this meeting.

Agenda Item 21- Reports.

Executive Officer: Charles L. Fryxell announced that on April 14, the District was named a winner of the California Association of Public Information Official's 2005 Awards of Excellence state-wide communications competition. The MDAQMD was awarded third place in the "Special Innovation" category for a children's activity book developed by the MDAQMD Community Relations & Education Specialist Cynnthia Baker, for the Mojave Environmental Education Consortium.

Mr. Fryxell also invited the Governing Board and public to attend the Ninth Annual Clean Air Fair on Saturday, May 7th from 10:00 a.m. to 3:00 p.m. at the Victor Valley College's gym.

District Counsel: Fazle Rab Quadri updated the Board on his recent trip to Washington, D.C.

Agenda Item 22 - Board Member Reports and Suggestions for Future Agenda Items.

Board Member Sagona commented on Fazle Rab Quadri's trip to Washington.

Board Member Luellig noted that he recently purchased a Prius and used only two gallons of gas to Ontario and back.

Being no further business, Upon Motion by **BOB SAGONA**, Seconded by **ROBERT LEONE**, Chair Luellig adjourned the meeting at 11:20 a.m. to the Special Governing Board meeting of May 23, 2005, at 10:00 a.m.